

REMARKS

Claims 1-12 are pending. Claims 3, 4, 7, and 9 have been amended. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Claim Objections

Claim 9 was objected to for containing a typographical error. Applicants have amended claim 9 to correct this typographical error. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-12 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Office Action asserts that the specification discloses a mechanical switch which is not, by itself capable of performing the claimed functions without associated circuitry that is not disclosed in the specification. Applicants respectfully disagree.

Specifically, Applicants respectfully submit that according to MPEP 2164.01, the test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation - a patent need not teach, and preferably omits, what is well known in the art. Applicants submit that the originally filed specification contains the required disclosure and that, for example, the specific circuitry involved making an LED blink is known in the art.

Should the Examiner disagree, Applicants invite the Examiner to particularly point out the features of Applicants claims that are not enabled. See, for example, MPEP 2164.04 that requires the examiner to provide a reasonable explanation as to why the scope of protection provided by a claim is not adequately enabled by the disclosure.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) over Makrinos et al. (U.S. Patent No. 5,206,894). Applicants respectfully traverse this rejection.

Claim 1 recites, in part, a remote control handswitch for a portable X-ray unit, that includes a two-step switch formed of a standby button and an execution button with an operation based on a click operation of the two-step switch.

As admitted in the Office Action, Makrinos fails to teach the two-step switch recited in claim 1. The Office Action however, alleges that such a feature would have been obvious because a two-step switch is easier to use. Applicants respectfully disagree. There is no motivation in Makrinos for such a modification.

In fact, Makrinos actually teaches away from the click operation recited in claim 1. Specifically, in column 2, lines 50-65, Makrinos indicates that devices with multiple electromechanical switches require the continuous activation of a plurality of electrical switches to prepare the rotating anode X-ray tube and create a radiographic exposure and that these types of switches, the electromechanical switch mechanisms often jam. Therefore, Makrinos is actually concerned with eliminating the plurality of mechanical switches found in some devices by utilizing a single electronic switch. There is no motivation to modify any of the teachings in Makrinos to obtain the two-step switch recited in claim 1. Accordingly, Makrinos fails to teach or suggest a remote control handswitch for a portable X-ray unit, that includes a two-step switch formed of a standby button and an execution button with an operation based on a click operation of the two-step switch, as recited in claim 1.

Claim 2 is believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of its dependence upon claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Conclusion

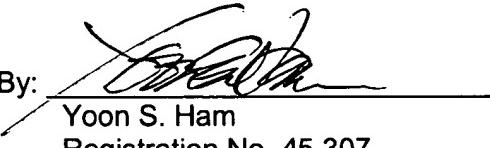
Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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